

Declaration for Patent Application

Docket Number: SP036.C5

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled: **System and Method for Handling Load and/or Store Operations in a Superscalar Microprocessor**,

the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on June 21, 1999;
as United States Application Number or PCT International Application Number 09/336,589; and
was amended on October 7, 1999 and November 22, 1999 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application, which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

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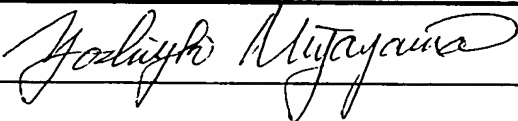
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Cheryl Senter Brashears	
Signature of sole or first inventor	Cheryl Senter Brashears	Date 5-15-02
Residence	San Jose, CA	
Citizenship	United States	
Mailing Address	5271 Arezzo Drive, San Jose, CA 95138	
Full name of second inventor	Johannes Wang	
Signature of second inventor		Date
Residence	Redwood City, CA	
Citizenship	United States	
Mailing Address	25 King Street, Redwood City, CA 94062	
Full name of third inventor	Le Trong Nguyen	
Signature of third inventor		Date
Residence	Monte Sereno, CA	
Citizenship	Vietnam	
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Full name of fourth inventor	Derek J. Lentz
Signature of fourth inventor	Date
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Citizenship	
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Full name of fifth inventor	Yoshiyuki Miyayama
Signature of fifth inventor	 June 10, 2002 Date
Residence	
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A101, 1301 Fumide Toyoda, Suwa-Shi, Nagano-ken, JAPAN 392-0016	J.M. June 10, 2002
Full name of sixth inventor	Sanjiv Garg
Signature of sixth inventor	Date
Residence	
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Citizenship	
United States	
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Full name of seventh inventor	Yasuaki Hagiwara
Signature of seventh inventor	Date
Residence	Santa Clara, CA
Citizenship	Japan
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Full name of eighth inventor	Te-Li Lau
Signature of eighth inventor	Date
Residence	Palo Alto, CA
Citizenship	Singapore
Mailing Address	411 College Avenue, Apt. E, Palo Alto, CA 94306
Full name of ninth inventor	Sze-Shun Wang
Signature of ninth inventor	Date
Residence	San Diego, CA
Citizenship	Hong Kong
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Full name of tenth inventor	Quang H. Trang
Signature of tenth inventor	Date
Residence	
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Citizenship	
United States	
Mailing Address	
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(Supply similar information and signature for subsequent joint inventors, if any)



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RES
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OFFICE OF PETITIONS

In re Application of
Cheryl D. Senter, Johannes Wang,
Le Trong Nguyen, Derek J. Lentz,
Yoshiyuki Miyayama, Sanjiv Garg,
Yasuaki Hagiwara, Te-Li Lau,
Sze-Shun Wang and Quang H. Trang
Application No. 09/336,589
Filed: June 21, 1999
Attorney Docket No. SP036.C5

DECISION GRANTING PETITIONS
UNDER § 1.48(c) and § 1.183

This is a combined decision on the three petitions filed June 18, 2002: 1) Request to Add Inventors in a Nonprovisional Patent Application Under 37 C.F.R. § 1.48(c); Petition for Waiver Under 37 C.F.R. § 1.183 of the Requirement under § 1.48(c)(2) of Statements by Persons Being Added as an Inventor; and a Petition under 37 C.F.R. § 1.47, which is properly treated as a Petition under § 1.183 to waive the Requirement under § 1.48(c)(3) for execution of the declaration by all of the actual inventors. Petitioner has submitted a check for \$390, which covers the processing fees for consideration of the petitions. These petitions were considered in light of the additional evidence provided by facsimile transmission on October 4, 2002 and October 7, 2002.

The above-identified application was filed on June 21, 1999, with a declaration executed by Cheryl Senter and Johannes Wang as joint inventors. On June 18, 2002, the instant request under § 1.48(c) was filed to amend the inventorship to add joint inventors Le Trong Nguyen, Derek J. Lentz, Yoshiyuki Miyayama, Sanjiv Garg, Yasuaki Hagiwara, Te-Li Lau, Sze-Shun Wang and Quang H. Trang. Accompanying the petition was a statement from added inventor Miyayama stating that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention; and a declaration executed by actual inventors Senter and Miyayama.

37 CFR 1.48(c) requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor that the addition is necessitated by amendment of the claims and that the inventorship error occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43, or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has satisfied requirements (1), (4) and (5) above. The petition specifically requests the addition of the above-identified inventors. Petitioner has paid the processing fee. The petition includes a statement signed by a person who states that they are empowered to act on behalf of the assignee and that they consent to the change in inventorship. Accompanying the assignee statement is a certificate under 37 C.F.R. § 3.73(b).

Petitioner requests waiver of the requirement for statements from the other added inventors on the basis that they are all unavailable. Likewise, petitioner requests waiver of the requirement that all of the inventors sign the declaration on the basis that petitioner has been unable to find or reach each of these inventors after a diligent effort. In support thereof, petitioner has provided a statement of facts by attorney Thomas Fiala and documentary evidence of the inventors' unavailability.

Under 37 C.F.R. § 1.183, any requirement of the regulations, which is not a requirement of the statutes, may be waived by the Commissioner's designee in an extraordinary situation, when justice so requires. Waiver of both requirements is appropriate in this instance. The facts of the record do not present uncertainty as to this correction of inventorship. The assignee has given consent to the requested correction. The petition shows that the statement was presented to the inventors and by their conduct they refused to sign it. Petitioner has shown that each of the nonsigning inventors was actually given the opportunity to reexecute the oath or declaration, or could not be reached, after diligent effort. See MPEP 201.03.

Accordingly, both petitions under § 1.183 are GRANTED.

In view thereof, the petition under § 1.48(c) is GRANTED.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Telephone inquiries related to this decision may be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

Christina Parker Donnell for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy